

**Article 2: Administrative Code**

**Division 1: The Council**

**§22.0101 Permanent Rules of the Council**

**Rule 1. Hours of Meetings.**

- (a) The regular weekly meetings of the City Council required by Charter section 13 shall be scheduled over a two-day period as follows:
  - Monday 2:00 p.m. — 5:30 p.m.
  - Tuesday 9:00 a.m. — 5:30 p.m.
- (b) A single consolidated agenda covering the regular Council meeting each week shall be published.
- (c) The time of adjournment each day may be extended by the Chair or by two-thirds (2/3) vote of the members of the Council beyond the time specified above should additional matters remain on the Council agenda.
- (d) Regular Council meetings shall be held in the Council Chambers of the City Administration Building, Community Concourse, in the City of San Diego, California. In addition thereto, the Council shall also hold regularly scheduled night Council meetings in various community facilities throughout The City of San Diego rather than in the City Administration Building. Such night Council meetings will be scheduled at least two to four times during each twelve-month period, with the specific date, time and location of each meeting to be established by resolution of the Council. In the event a regular meeting shall fall on a legal holiday, the Meeting may be held on the next business day.
- (e) The Council may by resolution, when necessary, change the time and place of the regular meeting. The resolution shall set forth the circumstances necessitating such change. Such resolution shall be published once in the City official newspaper at least twenty-four (24) hours prior to the meeting to be held pursuant to such change. Twenty-four hours prior to the meeting to be held pursuant to such change, the City Clerk shall give each Councilmember written notice, personally or by registered mail, of any change from the regular meeting days established by this section.
- (f) A special meeting may be called at any time by the Mayor or by a majority of the members of the Council by delivering personally or by mail written notice to each member of the Council and to each local newspaper of general circulation, radio or television station requesting notice in writing.

Such notice must be delivered personally or by mail at least twenty– four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

(g) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the City Council may hold a special meeting without complying with the 24–hour notice requirement of this Rule. For purposes of this paragraph, “emergency situation” means any of the following:

- (1) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Council;
- (2) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Council.

However, each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to this Rule shall be notified by the Mayor, or designee, one hour prior to the special meeting by telephone. The Mayor, or designee, shall exhaust all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings. In the event that telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the City Council, or designee thereof, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the special meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible. The City Council shall not meet in closed session during a meeting called pursuant to this paragraph. All special meeting requirements as prescribed in this Rule shall be applicable to a meeting called pursuant to this paragraph, with the exception of the 24–hour notice requirement.

The minutes of a meeting called pursuant to this paragraph, a list of persons who the Mayor, or designee, notified or attempted to notify, a copy of the roll call vote, and any actions taken at such meeting shall be posted for a minimum of ten (10) days in a public place as soon after the meeting as possible.

- (h) Except as authorized pursuant to California Government Code Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.  
(Amended 2-28-2005 by O-19358 N.S.)

**Rule 2. Parliamentary Procedure.**

In all cases not provided by these Rules as by statute or other ordinance or resolution, the authority shall be Robert's Rules of Order Newly Revised. Robert's Rules, notwithstanding, a motion for reconsideration of any matter must be entertained on the same day as the matter is docketed from Council action. All requests for reconsideration made later than the same day the matter was acted upon must be processed and re-docketed by the Clerk under Special Order of Business/Matters of Reconsideration. See Rule 4.

**Rule 3. Procedure for Council Meetings**

The order of business for Council meetings shall be as follows:

Monday at 2:00 p.m.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Special Orders of Business
4. Requests for Continuances
5. Communications (See Rule 5)
6. Adoption Agenda
  - (a) Consent Items
  - (b) Committee Items
  - (c) Other Legislative Items
7. Public Notices
8. Non-docket items under Rule 30
9. Adjournment

Tuesday at 9:00 a.m.

1. Roll Call
2. Non-agenda Public Comment (limited to three (3) minutes  
See Rule 8)
3. Requests for Continuance
4. Adoption Agenda
  - (a) Consent Items
  - (b) Noticed Hearings (to be scheduled at various times throughout the day by the City Clerk based on the number of hearings and reasonable expectation of length) and Special Hearings
  - (c) Unfinished Business from Monday
5. Non-agenda items under Rule 30
6. Adjournment

**Rule 4. Special Order of Business**

- (a) Requests to have an item placed on the agenda, under Special Order of Business may be initiated by any individual and must be submitted in writing to the Rules Committee. The Rules Committee shall review such requests so received and shall direct the City Clerk to list on the agenda under Special Order of Business those items which it approves, by majority vote. The Rules Committee must place on the agenda under Special Order of Business the written request of a Council member to have the full Council vote on the question of causing a matter which has been “held in committee” (see Rule 17) to be placed on the Adoption portion of the Agenda [the Adoption Agenda]. In addition, a Council member shall have the same privilege to cause the full Council to vote on whether or not a committee decision on any matter which has not been denied by all of the five members of the committee should be set aside and the matter reheard by the entire Council as being one involving such wide community and public interest as requiring the attention of the Council itself. Such privilege shall be exercised by a Council member within ten (10) days of the date of a committee’s decision.

A vote to hear the matter by the Council shall void any prior committee decision. The matter shall be considered de novo by the Council. A vote by the Council on a matter “held in committee” (see Rule 17), or one relating to a decision of a committee, shall not be subject to a motion to reconsider and the decision of the Council shall be final forthwith.

Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda in a timely manner. Discussion during meetings of the City Council of items listed on the agenda as Special Order of Business shall be within the discretion of the chairperson. These items are not debatable.

- (b) Notwithstanding any other provisions herein to the contrary and pursuant to Rule 2, any matter for which reconsideration is requested, at a date later than the day it was acted upon by the Council, may be considered by Council by directing a request therefore to the City Clerk, complying with the process set forth in Rule 2, appropriate notice thereof under Special Order of Business/Matters of Reconsideration, and the following:
- (1) If the matter is one to which Council Policy 000–6 applies, waiving the permanent rules of Council by a 2/3 vote of the Councilmembers. See Rule 32.
  - (2) Decision by a majority vote of the Council to reconsider the matter.
  - (3) If approved from reconsideration by a majority vote, setting a date for a hearing on the matter.

#### Rule 5. Communications Requests to Council

Communications requests may be initiated by any individual and submitted to the Rules Committee chairperson by letter or on forms provided by the City Clerk. Requests must state the subject matter and the action which the writer wishes the Council to take. The Rules Committee shall review all communication requests so received and shall direct the City Clerk to list on the Council agenda, under Communications, those items which it deems, by majority vote, to be proper areas of discussion or action by the City Council. When a Communications item is listed on the agenda, it is not debatable and must be either referred to an appropriate committee or other public agency, or filed. Referral to a committee may include direction to staff to prepare a report or to develop relevant information for consideration by the committee to which referral is made. When directed to be in writing, such reports shall be in the form of a memorandum to the appropriate committee.

## Rule 6. Adoption Agenda

The Adoption Agenda shall consist of noticed hearings and ordinances and resolutions placed on the agenda for action by the Council. The City Clerk shall identify consent items upon the agenda. Any Councilmember or member of the audience may remove any item from the Consent Items portion of the Adoption Agenda by notifying the chairperson of his or her desire to do so.

The Noticed Hearings portion of the Adoption Agenda shall consist of hearings upon matters that concern specific land usages, other individual property rights or other legislative action which, by law, require individual noticed hearings.

Consent items shall be those ordinances and resolutions for which the law does not require a noticed hearing and which have been recommended by the Rules Committee or other standing committee referring the items to docket to be disposed of by a single motion as a timesaving device as being sufficiently routine or non-controversial or as having had sufficient prior public discussion. Notwithstanding any other provision of these rules or the Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City related entity, shall be identified as a consent item on an agenda.

*(Amended 11-22-2004 by O-19328 N.S.)*

## Rule 7. Referral to Committee

Except as otherwise provided in these rules, the Rules Committee shall have the authority to assign a resolution or an ordinance to a standing committee for further study and consideration, or to the Committee of the Whole, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption. The Rules Committee shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four (4) members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within thirty (30) days thereafter. However, any matter which has been placed directly on the Council agenda without first having been heard by a committee of the City Council must be referred to the appropriate committee for a hearing when so requested by three (3) members of the committee or the committee chairperson having jurisdiction over the matter.

The matter shall be scheduled for hearing at a regularly scheduled meeting of the committee within thirty (30) days thereafter. Any matter shall be placed on the appropriate committee agenda upon the written request of three (3) members of that committee within thirty (30) days thereafter.

**Rule 8. Nonagenda Public Comment**

- (a) Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Subject to the exercise of the Mayor's discretion for a given agenda, Nonagenda Public Comment shall be docketed for 10:00 a.m. on the Tuesday morning portion of the agenda.
- (b) Speakers shall be limited to three (3) minutes each and comments shall be limited to three (3) minutes per subject regardless of the number of people in attendance. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the Clerk. Speakers will be called in the order reserved within the available time.
- (c) Each person desiring to address the Council shall approach the podium, state his/her name and address for the record, state the subject he/she wishes to discuss, and state who he/she is representing if he/she represents an organization or other persons. All remarks shall be addressed to the Council as a whole and not to any member thereof. The presiding officer shall not permit any communication, oral or written, to be made or read where it does not bear on something of interest to the public which is within the subject matter jurisdiction of the Council.
- (d) No discussion or action on any matter of nonagenda public comment shall be permitted. Any matter properly raised under this rule may, if appropriate, be referred by the Chair to the Rules Committee Consultant for appropriate action.

### Rule 8.1. Public Conduct

Notwithstanding any other provision of law, no person shall cause any disruption of a Council meeting by loud, threatening or obscene conduct. Any person who engages in such conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.

Any person having been ruled out of order by the presiding officer shall immediately conform to the orders of the presiding officer. Any person who refuses when ordered to conform to the rules of conduct may be removed from the place of the Council meeting by order of the presiding officer.

### Rule 9. Procedure for Debate

The following procedure shall be used in debating any resolution or ordinance:

- (a) Items Initiated by an individual:
  - (1) Motion and second.
  - (2) Brief opening statement by the proponent Initiator explaining and advocating the item (maximum of five (5) minutes).
  - (3) Staff report, if any, by the appropriate staff members and relevant questions thereon by Council members limited to five (5) minutes with the right of any other member to yield all or a portion of such member's time.
  - (4) Testimony by members of the public who support the item (maximum of fifteen (15) minutes total for all proponents).
  - (5) Testimony by members of the public who oppose the item (maximum of fifteen (15) minutes total for all opponents).
  - (6) Discussion by Councilmembers. The order of recognition of Councilmembers desiring to speak shall be determined by the chairperson in accordance with the recognition light panel. Each Councilmember shall be allowed the opportunity to speak and shall be limited to a maximum of three (3) minutes.
  - (7) Brief closing statement by the proponent Initiator (maximum of five (5) minutes).



- (b) Items Initiated by a Committee:
- (1) Motion and second.
  - (2) Brief opening statement by the committee chairperson or his/her designee explaining and/or advocating the item (maximum of five (5) minutes).
  - (3) Staff report, if any, by the appropriate staff members and relevant questions thereon by Council members, limited to five (5) minutes with the right of any other member to yield all or a portion of such member's time.
  - (4) Testimony by members of the public who support the item (maximum of fifteen (15) minutes total for all proponents).
  - (5) Testimony by members of the public who oppose the item (maximum of fifteen (15) minutes total for all opponents).
  - (6) Discussion by Council members. The order of recognition of Council members desiring to speak shall be determined by the chairperson in accordance with the recognition light panel. Each Council member shall be allowed the opportunity to speak and shall be limited to a maximum of three (3) minutes.

**Rule 10. Standing Committees Created**

Four standing committees of the City Council are hereby created as follows:

- (a) Committee on Rules, Finance and Intergovernmental Relations (herein referred to as "Rules Committee") (See Rule 18);
- (b) Committee on Land Use and Housing (See Rule 19);
- (c) Committee on Natural Resources and Culture (See Rule 20); and
- (d) Committee on Public Safety and Neighborhood Services (See Rule 21).

**Rule 11. Committee Rules**

Except as provided in Rule 2, the permanent Rules of the Council shall govern the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire membership, such additional rules, not in conflict with the permanent Rules of the Council, as it may deem necessary for the conduct of committee business.

**Rule 12. Committee Meetings**

Each committee shall meet at a time and place provided by schedule unless otherwise ordered by the Council.

The Rules Committee shall establish such schedules for regular meetings of the committees as will permit a full attendance of their members without conflict of committee engagements. Such schedules shall be adopted by Council resolution.

The chairperson, or a majority of the committee, may call a special meeting of the committee by giving appropriate notice, with a copy to each member of the Council personally or in writing twenty-four (24) hours prior to the meeting, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at such special meeting. No matter shall be considered at such special meeting other than that specified in the notice.

Every committee meeting of each standing committee, the Budget Review Committee and the Committee of the Whole shall be open to the public except as otherwise provided for by state law and conform to the notice, posting, public comment and public conduct provisions as provided by these rules.

**Rule 13. Committee Appointments and Duties of Committee**

The City Council shall appoint the chairperson of each committee with the exception that the Mayor shall serve as permanent chairperson of the Rules Committee. These appointments shall be made at the same time the Deputy Mayor is selected. The Deputy Mayor shall serve as the permanent vice-chairperson of the Rules Committee. The Council shall, at that same time, make appointments of Council representatives or liaison to the various boards, committees and other organizations.

The Rules Committee shall appoint the membership of the other standing committees; provided, however, that the Chairperson of each committee shall appoint, subject to Rules Committee confirmation, the vice-chairperson of his or her respective committee, with the further proviso that the Mayor and Deputy Mayor shall serve as permanent voting members of the Rules Committee.

When, and so long as, any standing committee lacks sufficient members present to constitute a quorum for conducting business, the Mayor shall be authorized and empowered to act as a voting member to that standing committee.

Vacancies that may occur from time to time on any of the standing committees shall be filled as provided hereinabove.

The term for each committee appointment shall be for one year, from the first Monday in December to the day preceding the first Monday of the following December and until a successor is duly appointed and confirmed.

The Budget Review Committee shall be composed of all members of the City Council; the Mayor shall serve as chairperson and the Deputy Mayor shall serve as vice-chairperson. (See Rule 23.)

The Committee of the Whole shall be composed of all members of the City Council; the Mayor shall serve as chairperson and the Deputy Mayor shall serve as vice-chairperson. (See Rule 24.)

It is the duty of each Council member to attend every meeting of every committee of which he or she is a member and he or she is charged with fulfilling the responsibilities of such committees. The Council shall vacate the committee seat of any appointed committee member who is absent from four (4) consecutive scheduled committee meetings of a committee unless the absence thereof is excused by resolution of the Council.

Neither Council nor committee business shall be impeded by the absence of a member as long as a quorum is present. Members absent from a Council or committee meeting shall be required to study and review applicable material and tapes before voting thereafter on any such matters.

On those matters where a full committee or Council vote is deemed necessary, all testimony shall be taken as expeditiously as possible with a quorum present. The actual vote will be taken by the full committee or Council after absent members have had sufficient time for review of applicable material and tapes.

No member shall be excused from voting at a Council or committee meeting except on matters involving the consideration of his or her own official conduct or in which his or her own personal interests are involved.

**Rule 14. Time Established for First Committee–Hearing**

The first standing committee hearing on any resolution or ordinance shall be scheduled for hearing at a regularly scheduled meeting of the committee within thirty (30) days of referral to the committee.

**Rule 15. Committee Staff**

A committee consultant from the Committee Consultant Activity of the Council Administration Division shall be assigned to each standing committee other than the Rules Committee to provide staff assistance to the committee. A committee consultant shall be assigned to the Rules Committee from the office of the Mayor.

All committee consultants shall be subject to appointment and removal by the chairpersons of their respective committees. Committee consultants, in addition to the duties assigned to them by the committee, shall, when directed by the committee chairperson, prepare an objective informational analysis addressing both the policy and fiscal considerations of any matter that is reviewed by the committee.

Such consultant analysis shall be attached to the resolution or ordinance when it is delivered to the Rules Committee for listing on the Adoption Agenda. All committee consultants shall cooperate fully in providing staff assistance to each standing committee during the authorized absence of any committee consultant.

**Rule 16. Fiscal Impact Determined**

Before acting on any matter referred to it, a standing committee shall, through its consultant, make inquiry of the City Manager or appropriate department to determine the fiscal impact of the proposal, and those contacted by the committee consultant shall cooperate fully in providing the information required by the committee.

**Rule 17. Conduct of Committee Business**

Except as otherwise provided in these rules, committee hearings shall be governed as follows:

- (a) The chairperson shall preside at all meetings of the committee. Whenever the chairperson is absent, the vice– chairperson shall preside.
- (b) The chairperson shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by the various members of the committee in an orderly fashion and in keeping with proper decorum.
- (c) A majority of the membership of the committee shall constitute a quorum for the transaction of business, including the decision to recommend the adoption of any amendments to a resolution or ordinance. A committee may not conduct business absent a quorum and, if properly convened, must terminate committee proceedings upon the loss of a quorum. The committee chair may, under such conditions, continue all remaining matters to the next scheduled committee meeting. A majority of all members constituting the committee, however, shall be required to report a resolution or ordinance, or any matter properly before it, out of committee.
- (d) The date for the first committee hearing on any matter shall be set as provided for in Rules 7 and 14. The committee chairperson shall set the date for any continued hearings and shall arrange the agenda for committee meetings. An agenda for each committee meeting shall be delivered by the committee chairperson or designee to the City Clerk at a time sufficiently in advance for the purpose of public notice at least seventy–two (72) hours prior to the committee meeting.
- (e) A resolution or ordinance shall be reported back to the Council only if the committee makes one of the following recommendations:
  - (1) Introduce or introduce as amended (for ordinances); or

- (2) Adopt or adopt as amended (for resolutions). If the committee does report the resolution or ordinance back to the Council by making one of these recommendations, the committee may make the additional recommendation that the resolution or ordinance be listed as a consent item on the Adoption Agenda portion of the Council agenda, and such recommendation shall cause the City Clerk to so list the resolution or ordinance. If the full committee votes favorably on the matter, the City Clerk shall automatically list it as a consent item, unless a noticed hearing by the City Council is required or the Clerk is otherwise directed by the chairperson of the committee. (See Rule 30.)
- (3) Forward to the Council with no Committee recommendation.
- (f) A resolution or ordinance shall be deemed “held in committee” if the committee has not reported the resolution or ordinance back to the Council within thirty (30) days of the first scheduled committee hearing on the item, unless continuances of the item for greater than this 30-day period are made with the concurrence of the initiator of the item. The Council can, by majority vote, cause a resolution or ordinance which has been “held in committee” to be placed on the Adoption Agenda of the Council docket in accordance with the provision of Rule 4.
- (g) If the committee recommends that an ordinance be introduced as amended or that a resolution be adopted as amended, the City Attorney shall cause the amendments to be shown by interlineation and shall, if necessary, prepare an amended digest, attach it to the amended resolution or ordinance, and deliver both to the committee chairperson. The committee chairperson shall cause the resolution or ordinance, with attached digest, to be delivered to the Rules Committee for listing on the agenda of the regular Council meetings. The City Clerk must list items so delivered to it on the Adoption Agenda.
- (h) The City Clerk or his designee shall keep a complete record of the meetings and actions taken by the committee.
- (i) When the committee takes action on a resolution or ordinance, the vote shall be by roll call vote only. All roll call votes shall be recorded by the City Clerk and shall appear thereafter on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

- (j) On the next business day following each meeting of a standing committee, the chairperson of the standing committee shall notify the Council of the roll call votes on all actions taken at the standing committee meeting.
- (k) No action shall be taken on any measure outside of a duly constituted committee meeting.
- (l) The City Manager, the City Attorney, and independent department heads, or their designees, may attend all committee meetings but shall have no vote therein. The Manager, the Attorney, and independent department heads, or their designees, shall have the right to take part in discussions on matters properly before a committee relating to their respective offices, and may participate in discussions in such committee meetings when requested to do so by a member of the committee.

#### Rule 17.1 Special Rule with Respect to Appeals to Committees

Various sections of the San Diego Municipal Code provide for appeals to the Committees of the Council established by these Rules. Upon a decision being rendered on appeal, the chairperson of the committee shall advise all interested persons of the provisions of Rule 4 hereof.

#### Rule 18. Committee on Rules, Finance and Intergovernmental Relations

There is a Committee on Rules, Finance and Intergovernmental Relations (herein referred to as “Rules Committee”) composed of five (5) voting members consisting of the Mayor, the Deputy Mayor, the three (3) chairpersons of the other standing committees.

The Mayor shall be permanent chairperson and the Deputy Mayor shall be vice-chairperson of the Rules Committee. Three (3) of the five (5) members appointed to the Rules Committee shall constitute a quorum to do business but a lesser number may take action to adjourn a meeting. There is a Select Committee on Government Efficiency and Fiscal Reform (Select Committee) which shall be a subcommittee of the Rules Committee and shall consist of three members of the Rules Committee and such advisors as they shall appoint with the Deputy Mayor as chairperson. This subcommittee will have the responsibility of overseeing the implementation of the recommendations of the citizens committee known as Change 2 that were passed by the City Council.

**Rule 19. Committee on Land Use and Housing**

There is a Committee on Land Use and Housing composed of five (5) voting members consisting of five (5) Councilmembers appointed in accordance with the provisions of Rule 13.

The committee shall have the responsibility, if requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to Land Use and Housing as may be assigned pursuant to Rule 22.

The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Land Use and Housing as may be assigned pursuant to Rule 22.

The committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

**Rule 20. Committee on Natural Resources and Culture**

There is a Committee on Natural Resources and Culture composed of five (5) voting members consisting of five (5) Council members appointed in accordance with the provisions of Rule 13.

The committee shall have the responsibility, if requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to Natural Resources and Culture as may be assigned pursuant to Rule 22.

The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Natural Resources and Culture as may be assigned pursuant to Rule 22.

The committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.



**Rule 21. Committee on Public Safety and Neighborhood Services.**

There is a Committee on Public Safety and Neighborhood Services composed of five (5) voting members consisting of five (5) Council members appointed in accordance with the provisions of Rule 13.

The committee shall have the responsibility, if requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to Public Safety and Neighborhood Services as may be assigned pursuant to Rule 22.

The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Public Safety and Neighborhood Services as may be assigned pursuant to Rule 22.

The committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

**Rule 22. Assignment of Matters to Committee**

Matters to be considered by the several standing committees shall be assigned by the Committee on Rules, Finance and Intergovernmental Relations in keeping with the general areas of responsibility and the workload of each committee.

**Rule 23. Budget Review Committee Created**

There is hereby created the Budget Review Committee composed of all members of the City Council. The Mayor shall serve as chairperson of this special committee and the Deputy Mayor shall serve as vice-chairperson.

This special committee shall have the responsibility to analyze, study and evaluate the estimates of required expenditures proposed for inclusion in the Annual Appropriation Ordinance. The committee shall have the further responsibility of reviewing and evaluating the tentative Capital Improvements Program.

Annual budget review meetings shall be set in accordance with California Government Code, Section 54954, during the ten (10) weeks immediately preceding the introduction of the Annual Appropriation Ordinance subject to the provisions of Council Policy No. 000-02. The Budget Review Committee shall review any budget recommendations of the various standing committees of the Council.

The Mayor, or in his absence, the Deputy Mayor, or in the absence of both, the immediate past Deputy Mayor may call a special meeting of the Budget Review Committee in accordance with the provisions of Government Code section 54956.

**Rule 24. Committee of the Whole Created**

There is hereby created a special Committee of the Whole composed of all members of the City Council. The Mayor shall serve as chairperson and the Deputy Mayor shall serve as vice-chairperson.

This special committee shall have the responsibility to analyze, study and evaluate a proposed resolution or ordinance, or to hold fact finding hearings, on any subject concerning City government that is beyond the scope of responsibility of any one standing committee or is adjudged by the Rules Committee to be more properly a concern of the entire Council.

Proposals relating to revenue and taxation shall be referred by the Rules Committee to the Committee of the Whole.

Proposals for City action in cooperation with other local government entities including any actions to be taken on a regional basis, shall be referred by the Rules Committee to the Committee of the Whole.

The Mayor, or in his absence, the Deputy Mayor, or in the absence of both, the immediate past Deputy Mayor may call a special meeting of the Committee of the whole in accordance with the provisions of Government Code section 54956. Matters may be set for a hearing of the Committee of the Whole by the Rules Committee or upon a motion adopted by the City Council at a regular meeting.

**Rule 25. Initiation of Resolutions and Ordinances by Council Members**

Except as otherwise provided for by the City Charter, by these Rules, by other ordinances or by state law, only a member of the City Council can initiate a resolution or ordinance by Request for Council Action (form 1472).

**Rule 26. Initiation of Resolutions and Ordinances by Committees**

Any committee may initiate a resolution or ordinance germane to any subject within the proper consideration of such committee in the same manner as an individual Council member.

**Rule 27. Initiation of Resolutions and Ordinances by the City Attorney, the City Manager or Other Independent Department Heads**

Requests for Council action may be initiated by the City Attorney or City Manager, or any other independent department head for any matter that is germane to his or her official duties as prescribed by law. Resolutions or ordinances drafted in accordance with such requests shall be assigned by the Rules Committee to the Adoption Agenda or referred to committee in the same way as all other resolutions or ordinances.

Any resolution or ordinance on which action of the Council is mandatory under any federal, state or local law shall be placed on the Adoption Agenda by the City Clerk without further action of the Rules Committee. Such matters include but are not limited to the following:

- (a) Request for a change in zoning;
- (b) Request for approval of a final map;
- (c) An appeal from any administrative or quasi-judicial decision as permitted under the Charter, state law or ordinance of the City; and
- (d) Any noticed hearing such as is involved in 1911 or 1913 Act proceedings.

Such resolution or ordinance shall be prepared and delivered by the City Attorney in accordance with Rule 28. A copy thereof shall be delivered by the City Attorney to the Rules Committee for information in accordance with Rule 29.

**Rule 28. Preparation of Resolution or Ordinance**

Upon receiving a Request for Council Action (form 1472) initiated in accordance with Rules 25, 26 and 27, the City Attorney shall prepare a resolution or ordinance as requested and shall affix a City Attorney control number thereto for purposes of identification of the document. The City Attorney shall also prepare a digest showing any changes in the existing law which are proposed by the resolution or ordinance.

The City Attorney shall then cause the completed document, with digest attached, to be delivered to the official who originated the form 1472. If more than one official signed the form 1472, he shall cause the completed document, with digest attached, to be delivered to the first signatory. It will be the responsibility of the originating official to ensure the completeness of documentation accompanying the resolution or ordinance.

Rule 29. Delivery of Resolution or Ordinance to Rules Committee

The official who originated the form 1472 shall cause the resolution or ordinance, with attached digest, and any other supporting materials, prepared in accordance with Rule 28, to be delivered to the Rules Committee no later than 10:00 a.m. on Wednesday for listing on the agenda of the regular Council meetings to be held during the week following the next succeeding week or, at the discretion of the Rules Committee, the week thereafter.

Ordinances or resolutions that are reported out of committee in accordance with Rule 17 shall be delivered to the Rules Committee by the committee chairperson by 10:00 a.m. on Wednesday for listing on the agenda of the regular Council meetings to be held during the week following the next succeeding week or, at the discretion of the Rules Committee, the week thereafter.

Rule 30. Preparation of the Council Agenda

Only those resolutions or ordinances that have been prepared and delivered in accordance with Rules 28 and 29 shall be listed on the agenda.

Each resolution or ordinance so prepared and so delivered shall be reviewed and shall be assigned to the Adoption Agenda to one of the categories enumerated below:

- (a) Consent Items
- (b) Noticed Hearings
- (c) Other Ordinances and Resolutions

Each item on a noticed hearing must be assigned to the Noticed Hearing portion of the Adoption Agenda.

Each ordinance or resolution that is reported out of committee in accordance with Rule 17 must be assigned to the Adoption Agenda.

In assigning every other ordinance or resolution to one of these categories, preference should be given to listing purchasing items and routine business resolutions on the Adoption Agenda, and usually as Consent Items on the Adoption Agenda. Any item considered in committee and reported out with five (5) affirmative votes shall, unless otherwise specified by the chairperson, be placed on the consent items portion of the agenda except those items for which a noticed hearing is required.

In assigning every other ordinance or resolution, preference should be given to referring the item to a standing committee or the Committee of the Whole when it would do any of the following: (1) support or oppose state or federal legislation; (2) result in a substantial expenditure of City money; (3) result in a substantial loss of revenue to the City; (4) result in a substantial reduction of expenditures of City money by reducing, transferring or eliminating any existing responsibilities of the City; (5) appropriate money; or (6) add to, modify or abolish existing City policy.

The agenda prepared as above and any items under Special Order of Business, together with all resolutions and ordinances prepared in accordance with Rule 28 and delivered in accordance with Rule 29, shall be delivered to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the City Council to be held during the week following the next succeeding week and the Clerk shall so list the items. Additionally, any item may be set for a time certain hearing.

The City Clerk shall arrange the agenda in proper printed format and cause the agenda to be prepared and distributed for public notice by 10:00 a.m. each Wednesday preceding the regular meetings of the full Council to be held the following week. All supplemental agenda materials shall be delivered to the City Clerk by 2:00 p.m. each Wednesday and shall be posted by 2:00 p.m. each Friday preceding the regular meetings of the full council to be held the following week.

Notwithstanding the above provisions, there may be listed on the Adoption Agenda an ordinance or resolution that has been initiated in accordance with Rules 25, 26 and 27, but which has not been prepared and delivered in accordance with Rules 28 and 29, if the City Attorney certifies in writing to the Rules Committee that an ordinance or resolution will be prepared and delivered by the City Attorney to the City Clerk prior to the time the item is considered on the Adoption Agenda.

Notwithstanding the above provisions, the Council, at a regular meeting, or the Rules Committee may direct the City Clerk to list a resolution or ordinance on a supplemental agenda for the next regular Council meeting if the City Attorney certifies to the City Clerk that an ordinance or resolution has been prepared or will be prepared and delivered to the City Clerk prior to the time the item is considered at the regular Council meeting.

Notwithstanding any other provision of these rules or the Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City related entity, shall be docketed as a supplemental item on any agenda, and all such matters must be prepared in accordance with Rules 28 and 29.

The legislative authority of Councilmembers in regard to drafting documents to be considered by the Council shall be preserved and not limited; provided, however, that all resolutions, ordinances and other legal documents regarding and in support of matters listed on the Council agenda for Council action shall be prepared in final form by the City Attorney and bear the City Attorney's signature or approval as to form and legality.

All agenda preparation functions in these rules assigned to the Rules Committee shall be construed to be assigned to the Rules Committee Chairperson.

*(Amended 11-22-2004 by O-19328 N.S.)*

#### Rule 30.1 Posting, Notice and Items for Consideration

At least 72 hours before the regularly scheduled meetings of the City Council the City Clerk shall post the agenda for same containing a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location freely accessible to the public. No discussion or action shall be taken on any item not appearing on the posted agenda, except as otherwise provided in Rule 30.2.

#### Rule 30.2 Non-Agenda Items

The Council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions pursuant to California Government Code section 54954.2-:

- (a) An item has been continued by the Council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item.
- (b) Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present a unanimous vote of those present that the need to take action arose after the agenda was posted.
- (c) Upon a determination by a majority of the Council that an emergency exists as defined in Rule 1(g).

The originating official shall prepare a non-agenda item form (Form CM-1557) to accompany the form 1472 and indicate thereon the reason for the request. The Council shall be required to first vote upon the matter of determining the validity of the circumstances giving rise to the request prior to discussion and action upon the item of business.

### Rule 30.3 Noticing and Conduct of Closed Sessions

The City Council may impose upon itself requirements which allow greater access to its meetings than prescribed by the minimum legal standards set forth in the California Open Meeting Law, commonly known as “the Brown Act” (Cal. Gov’t Code §§ 54950-54963).

(a) Form and Manner of Notice

- (1) All closed session items shall appear on a Closed Session Agenda or Supplemental Closed Session Agenda, which agenda may be separate and distinct from the City Council’s regular meeting agenda, but which shall be made available to the public and distributed concurrent with the regular meeting agenda of the City Council, which shall meet the seventy-two (72) hour public noticing requirement. A line item shall appear on the regular City Council docket indicating that closed session items will be appearing on a separate Closed Session Agenda. The closed session items will be appearing on a separate Closed Session Agenda. The Closed Session Agenda shall clearly indicate the time and place that open session discussion of closed session items is scheduled to occur. Closed Session Agenda shall further indicate the time and place the scheduled closed session will occur.
- (2) All closed session agenda items shall contain descriptions which can be easily understood and informative to the public in a meaningful way, unless to do so would harm the City and public interest by disclosing facts that are not known to the adverse party in any litigation or negotiations. Meaningful means: clear and specific enough to alert a person of average intelligence and education whose interests are affected by the item that he or she may have a reason to attend the meeting or seek more information on the item. The description should be concise and written in plain, easily understood words.
- (3) For authorized exceptions to open meetings, the following minimum noticing and disclosure shall apply:

(A) Significant Exposure to Litigation

When a closed session is scheduled under the heading -  
- significant exposure to litigation -- unless the facts  
and circumstances creating the threat of litigation are  
not yet known to the likely plaintiffs, such facts and  
circumstances must be made known to the public.  
Supplemental oral or written announcements shall be  
made in the following circumstances:

- (i) There has been no communication yet from the foreseeable plaintiffs but the City is aware of circumstances likely to prompt a litigation threat – for example, an accident, disaster, incident, or transactional dispute; in such instances the circumstances shall be stated on the agenda known at the time of its 72-hour advance posting or announced prior to the closed session if not.
- (ii) If a claim or some other written threat of litigation has been received, the document is a public record and a copy shall be attached to the agenda if known at the time of its 72-hour advance posting or announced and distributed to those requesting a copy prior to the closed session if not.
- (iii) When the closed session is deemed to be justified by a litigation threat made in an open and public meeting, reference to the statement shall be publicly stated on the agenda if known at the time of its 72-hour advance posting or announced prior to the closed session if not.
- (iv) When an oral threat of litigation is made outside a meeting, it may not be made the basis of a closed session unless the official who heard it has made a memo explaining what was stated and by whom. A copy of the memo shall be attached to the agenda if the threat is known at the time of its 72-hour advance posting or announced and distributed prior to the closed session if not.



(B) Conference with Real Property Negotiators

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(C) Conference with Legal Counsel – Existing Litigation

Name of case: (Specify by reference to claimant's name, names of parties, case, or claim numbers)

Or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

- (4) In open session, before public comment or City Council discussion of any closed session item, the City Attorney or appropriate staff shall provide an oral update or progress report on matters under litigation, real property negotiations, or employee unit bargaining.

(b) Public Participation:

The public shall have the opportunity to directly address the City Council on any closed session item on the agenda, prior to City Council questions and discussion on the item and after the oral report by the City Attorney or appropriate staff.

(c) Council questions and discussion in Open Session:

At the regular or special meeting of the City Council, the Mayor and Councilmembers shall have the opportunity to discuss the basis for convening into closed session, ask questions, and respond to questions from the public.

(d) Transcription of Closed Sessions:

All closed sessions shall be transcribed by a court certified reporter. All transcripts shall be retained.

(e) Reporting of Closed Session Results in Open Session:

(1) After every closed session, if a public report of any final action taken in closed session is required as set forth herein, the Mayor and City Council shall adjourn from closed session, reconvene in open session, and publicly report such final action and the vote or abstention of every member present as follows:

(A) Approval of an agreement concluding real estate negotiations pursuant to California Government Code section 54956.8 shall be reported after the agreement is final, as specified below:

- (i) If the Mayor and City Council's own approval renders the agreement final, they shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.
- (ii) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

- (B) Approval given to the City's legal counsel to defend, or seek, or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under California Government Code section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in

an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

- (C) Approval given to its legal counsel of a settlement of pending litigation, as defined in California Government Code section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:
- (i) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.
- (ii) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

- (D) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to California Government Code section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.
- (E) Approval of an agreement concluding labor negotiations with represented employees pursuant to California Government Code section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.
- (2) Reports that are required to be made pursuant to this section may be made orally or in writing. The City shall provide to any person who has submitted a written request to the City within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to California Government Code sections 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that an oral summation of the substance of the amendments has been made for the benefit of the document requester or any other person present and requesting the information.

- (3) The documentation referred to in paragraph (2) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.
- (4) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(f) Litigation Log

The City Attorney, in coordination with the City Clerk, shall provide to the Mayor and City Council a weekly listing of all litigation filed against or by the City of San Diego, its officers or employees, any City boards, redevelopment agencies, and commissions (collectively “the City”) that has been served upon the City. The list shall include the court in which the case was filed, the name of the litigants, the date filed, and the Court case number. A copy of the list shall be kept on file in the Office of the City Clerk and available for members of the public. The list shall be provided every week, and shall report on cases served the immediate preceding week  
(Amended 2-28-2005 by O-19357 N.S.)

Rule 31. Temporary Rules

The Rules Committee may, at any time, place on the Adoption Agenda a resolution establishing a temporary rule. Upon adoption by the Council, the temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule is in conflict with a permanent rule, it shall supersede such permanent rule only for the day on which it was adopted or for such greater period as may be specified in the temporary rule.

Rule 32. Suspension of Rules

Any permanent rule of the Council may be suspended temporarily by a vote of two-thirds (2/3) of the Council members, provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

**Rule 33. Amending Permanent Rules**

No permanent rule of the Council shall be amended except by ordinance adopted by the Council.

No such ordinance shall be considered by the Council until it shall have been referred to the Rules Committee.

**Rule 34. Existing Procedures Preserved**

The following procedures of the City Council contained in the Council Policy Manual are and the same shall be continued in full force and effect:

No.	Title	Effective Date
000-06	Reconsideration of Closed Hearings	12-30-1969
000-11	Appeals from Decision of the Police Chief Relative to Police Regulated Business	12-30-1979
000-13	Procedure for Mayor and Council Appointments	12-03-1984
000-15	Complaints Alleging Misconduct on the Part of a City Employee or Officer	01-11-1973

*(Amended 1-8-2002 by O-19021 N.S.)*

*(Amended 2-28-2005 by O-19359 N.S.)*

**§22.0102 Publication of Ordinances or Resolutions**

Within fifteen (15) days after final passage of any ordinance or resolution of a general nature, the City Clerk shall cause the same to be published once in the “City Official Newspaper” as defined by Section 113 of the Charter; provided, however, that when any ordinance or resolution is, by the City Charter, or by any general law, the provisions of which have been adopted by the Charter, required to be published more than once, the City Clerk shall cause such ordinance or resolution to be published in the manner and as often as is so required.

*(Amended 4-17-1989 by O-17277 N.S.)*